

LICENSING COMMITTEE AGENDA



Wednesday 20th September 2006

at 10.00 am

in Committee Room 'B'

MEMBERS: LICENSING COMMITTEE:

Councillors S Allison, Brash, R W Cook, S Cook, Griffin, Hall, Jackson, Johnson, Kaiser, Lilley, Morris, Rayner, Tumilty and Worthy.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To confirm the Licensing Committee minutes of the meeting held on 28th June 2006 (*attached*)

4. ITEMS REQUIRING DECISION

- 4.1 Hackney Carriage Tariffs – Annual Review – *Head of Public Protection and Housing*
4.2 Statement of Licensing Principles – Gambling Act 2005 – *Head of Public Protection and Housing*

5. ITEMS FOR INFORMATION

- 5.1 Quarterly report on Licensing Act Sub Committees and Hackney Carriage and Private Hire Sub Committees Activity – *Assistant Chief Executive*

6. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

LICENSING COMMITTEE

MINUTES AND DECISION RECORD

28th June 2006

Present:

Councillor Stan Kaiser (In the Chair)

Councillors: Jonathan Brash, Sheila Griffin, Gerard Hall, Geoff Lilley, Pat Rayner, Victor Tumilty and Gladys Worthy

Officers: Ralph Harrison, Head of Public Protection and Housing
Ian Harrison, Principal Licensing Officer
Denise Ogden, Town Care Manager (Waste Management)
Tony MacNab, Solicitor
David Cosgrove, Principal Democratic Services Officer
Jo Wilson, Democratic Services Officer

5. Apologies for Absence

Apologies were received from Councillors Steve Allison, Rob Cook and George Morris.

6. Declarations of interest by members

None.

7. Confirmation of the minutes of the meeting held on 7th June 2006

Confirmed.

8. Application for Street Trading Consent (*Head of Public Protection and Housing*)

Purpose of report

To consider an application for a Street Trading Consent in the car park adjacent to Allied Carpets/Comet in the Stranton area.

Issue(s) for consideration by the Committee

The Head of Public Protection and Housing reported that an application for

a Street Trading Consent has been received from Mr Christopher Wright concerning a proposed trading site at the car park adjacent to Allied Carpets/Comet in the Stranton area.

Following a consultation period, an objection had been received to the application from the Council's Town Care Manager (Waste Management). The objection related to the designation of the area as a conservation area, existing litter problems, ownership of the land and the proximity of McDonalds.

Mr Wright was present at the meeting and addressed the committee. Mr Wright indicated that he had traded at two locations on a temporary basis with the approval of the Council. His current location was in the lay-by on the A689 near Newton Bewley, although he commented that this was not proving to be as successful as he had hoped for. In support of his application Mr Wright submitted a formal written permission to trade in the car park he had received from Comet.

In response to members questions Mr Wright gave assurances that he would be vigilant with regard to litter in the area. The Head of Public Protection and Housing explained that there were 26 conditions for Street Trading Consent including a condition to provide bins and keep the vicinity litter-free. If these conditions were not adhered to; a 'Consent' could be rescinded.

The Town Care Manager (Waste Management) addressed the Committee as an objector to the application. Mrs Ogden stated that there was already a significant litter problem in the area and the granting of this consent would only add to it. In addition there was some confusion regarding legal ownership of the land and who was actually able to give consent to its usage. Cameron's Brewery owned the land but leased it to Allied Carpets and Comet. However, the Solicitor advised Members that the ownership of the land in question was not relevant to their consideration of the application.

Following Members questions both parties were given the opportunity to briefly sum-up prior to the Committee going into private session to discuss their decision on the application.

Decision

That Mr Wright be granted a temporary three-month Street Trading Consent for the car park adjacent to Allied Carpets/Comet.

9. Hackney Carriage Tariffs – Annual Review *(Head of Public Protection and Housing)*

Purpose of report

To consider a proposal to increase Hackney Carriage Tariffs.

Issue(s) for consideration by the Committee

Members were reminded that at the Licensing Committee meeting held on 11th December 2002, it had been agreed that there would be an annual review of Hackney Carriage tariffs following the consideration and recommendations of the Hackney Carriage/Private Hire Vehicle Owners Working Group.

Members were advised that at the Hackney Carriage/Private Hire Vehicle Owners Working Group held on 7th March 2006, a proposal to increase tariffs had been agreed, details of which were set out in an Appendix to the report. The current tariffs had been introduced in July 2005 with a minor additional amendment to timings in September 2005.

The proposal was to make a number of amendments to both the initial charge incurred at the time of hire (the flag fall) and the meter charge for additional yardage travelled during the journey. The most significant change would be the proposed flag fall increase from £1.90 to £3 after 11.30pm. This was in response to consultation with the trade which highlighted that for many drivers the current tariffs were insufficient to compensate for the difficult and often hostile working environments during Friday and Saturday nights. A further suggested amendment was the introduction of a tariff 4 to formalise the current allowance for an additional £2 charge on 'special days' such as Christmas Day and New Years Day. At present drivers had to ask passengers to pay this additional fare although it was not displayed on the meter and this could cause friction with passengers.

Fare comparisons for varying times of the day were provided for Members information to show how the changes in charges would affect an 'example' two-mile journey.

The Head of Public Protection and Housing advised that any decision to increase tariffs must be published in the local press prior to implementation and should any objections be received, they would be brought to Members.

Members discussed the increase in the flag fall charge after 11.30pm in detail and supported the proposal put forward by the Hackney Carriage/Private Hire Vehicle Owners Working Group to increase the charge from £1.90 to £3.00. Members considered that while the charges in Hartlepool were still some of the lowest in the area, the 'issues' that drivers were forced to deal with on weekend evenings in particular warranted such an increase. Ensuring that working at such times was economically viable for drivers and operators was essential to the continuation of a service which played a role in assisting with the dispersal of late night revellers.

Decision

That the suggested tariff amendments for 2006/07, as set out in Appendix II to the report, be approved with effect from 25th September 2006.

10. Statement of Licensing Principles – Gambling Act 2005 *(Head of Public Protection and Housing)*

Purpose of report

To consider a draft statement of Licensing Principles for the Gambling Act 2005.

Issue(s) for consideration by the Committee

Members were reminded that as of 1st September 2007 Hartlepool Council would assume responsibility for the licensing of gambling premises, with licence applications being submitted from 1st February 2007.

A requirement of the Gambling Act 2005 was that licensing authorities publish a 'Statement of Principles' that they proposed to apply in exercising their licensing functions under the Act. This statement will last for a maximum of three years but could be reviewed at any time. Guidance on what it must contain had been provided by the Gambling Act and the Gambling Commission.

A draft Statement of Licensing Principles was appended to the report for members' information along with a timetable for adoption of the Statement and ultimately implementation of the Gambling Act. The Head of Public Protection and Housing advised that all the guidance on the Act had not yet been published and further reports would be submitted to Members. However, in order to meet deadline it was necessary to begin the consultation process at this time.

Members expressed concerns about the potential social effects of gambling addiction. The Chair considered that a clear indication be added to the Statement of Principles that the Council did not support the principle of a casino in the town. While this view was supported by some Members, others stated that facilities for gambling were currently readily available in the town and via the internet. Building a casino could bring jobs and potentially a boost to the local economy.

The Committee also considered it would be important to attempt to keep new gambling establishments away from schools and other 'child-friendly' places. Members acknowledged that the wording of such a statement would need to recognise that children were able to use a wide variety of places including public houses and community centres.

Decision

That the draft statement of principles be approved as a basis for consultation subject to the following additions –

- (i) that, in principle, the Council would not support the opening of a casino in the town.

- (ii) that due regard will be given to the licensing of premises under the Gambling Act in locations considered sensitive to children.

11. Quarterly Report on Licensing Act Sub Committees and Hackney Carriage and Private Hire Sub Committees Activity
(Head of Public Protection and Housing)

Purpose of report

To update members on the work undertaken by the five Licensing Act Sub Committees and the three Hackney Carriage and Private Hire Licensing Sub Committees.

Issue(s) for consideration by the Committee

At the meeting on 15th March 2006 the Licensing Committee had agreed to receive quarterly reports on the work of the sub-committees. Tables setting out briefly the work of the sub-committees since March 2006 were attached as appendices to the report. These showed that the Licensing Act sub-committees had considered one application while the Hackney Carriage and Private Hire Licensing sub-committees had considered ten applications.

Decision

That the report be noted.

S KAISER

CHAIRMAN

Report of: Head of Public Protection and Housing

Subject: HACKNEY CARRIAGE TARIFFS – ANNUAL REVIEW

1. PURPOSE OF REPORT

- 1.1 To re-consider a proposal to increase Hackney Carriage tariffs following the receipt of objections/comments to the original proposal considered by Licensing Committee in June 2006.

2. BACKGROUND

- 2.1 At the Licensing Committee meeting held on 28th June 2006 it was resolved that a proposal to increase hackney carriage tariffs, as recommended by the Hackney Carriage/Private Hire Working Group, be accepted. This proposal is attached as 'Appendix I'.
- 2.2 In compliance with legal requirements the proposed tariff increase was advertised, in the form of a public notice, in the Hartlepool Mail on 10th July 2006.
- 2.3 In response to the public notice, a petition signed by 21 hackney carriage vehicle owners (representing 20% of all hackney carriage owners) objecting to the proposed increase, was delivered to the Council.
- 2.4 In addition to this, one objection letter was received from a member of the public and one letter of support was received from a hackney carriage owner.
- 2.5 As a result of objections being received, the matter must be re-considered by Licensing Committee.
- 2.6 The background to the current position is as follows: -
- 2.7 In November 2005 members of the Hackney Carriage/Private Hire Working Group were invited to consider what proposals for tariff increases should be taken to the Vehicle Owners Annual General Meeting in January 2006.
- 2.8 The Working Group is made up of a number of vehicle owners who voluntarily give up their time to meet with Council officers on a quarterly basis to discuss matters of interest or concern to the taxi trade. Membership of the group is decided by a vote at the Vehicle Owners Annual General Meeting to which all vehicle owners are invited.

- 2.9 The Working Group were advised that 'it was essential that at the AGM some consensus on fare increases is reached...with a clear picture of exactly what is wanted and what will be best for the trade'.
- 2.10 Two proposals were submitted by members of the group. One for an additional £1 charge for hirings after 11:30 p.m. and the other a general increase on all tariffs that was submitted on behalf of Hartlepool's Independent Taxi Drivers Association.
- 2.11 These proposals were subsequently sent to all hackney carriage vehicle owners with an invitation to the Annual General Meeting and a copy of the agenda that included consideration of tariff increases.
- 2.12 Eleven vehicle owners attended the Annual General Meeting in January 2006 and it was agreed that the proposal made by the Hartlepool Independent Taxi Drivers Association had been made in error and should not be considered. Further alternatives were suggested and it was agreed that the Working Group look further at what options were available.
- 2.13 This group agreed a proposal in March 2006 that was subsequently brought before Members at the Licensing Committee in June 2006.
- 2.14 Following publication of the proposed tariffs in the Hartlepool Mail in July 2006 and the receipt of subsequent objections, the Working Group has put forward an alternative proposal. This is attached as Appendix II.
- 2.15 The Working Group advised that due to the changes in drinking habits following the implementation of the Licensing Act in November 2005, the demand for taxis was now being spread over a longer period and the increases in charges in the original proposal (Appendix I) were too high.
- 2.16 As two proposals had now been submitted, ballot papers were sent to all hackney carriage vehicle owners in August 2006 and the results received are as follows: -
- | | |
|--------------------------|----|
| Option One (Appendix I) | 15 |
| Option Two (Appendix II) | 27 |
- 2.17 A further ten ballots were received endorsing Option Two but requesting that the times at which tariffs change remain unaltered.
- 2.18 51 vehicle owners did not respond, representing some 48% of hackney carriage owners.
- 2.19 The effect of the proposed increases on a typical 2 mile journey for Option Two travelled during different times of the day is attached as Appendix III.

3. ISSUES

- 3.1 It is the responsibility of licensing authorities to set the hackney carriage tariffs in its area.
- 3.2 At your meeting held on 11th December 2002, it was agreed that there would be an annual review of Hackney Carriage tariffs following the consideration and recommendations made at the vehicle owners Annual General Meeting.
- 3.3 Any decision by Members on hackney carriage tariffs must strike a balance between value for money expected by the travelling public and a fair and reasonable return for the taxi proprietors.
- 3.4 Members will note that the proposed increases as detailed in Appendix II are lower than the increases agreed at their meeting in June 2006.
- 3.5 Members should also note that the increases detailed in Appendix II include an amendment to the metered charge whereby the fare increases with the distance travelled. In order to facilitate such a change, posts used to measure the accuracy of meters will have to be moved, meaning any immediate increase will have to be delayed until such works have been completed.
- 3.6 There is a statutory requirement that any tariff imposed by Members following the consideration of objections must be implemented no later than 2 months from 25th September 2006. This being the date set by Members for the implementation of the tariff when discussed at Licensing Committee in June.

4. RECOMMENDATIONS

- 4.1 That Members consider which of the following options should be implemented no later than 25th November 2006: -
 - i. Option One as detailed in Appendix I
 - ii. Option Two as detailed in Appendix II
 - iii. A different tariff increase not previously detailed or discussed
 - iv. No Increase

PROPOSED TARIFFS 2006/7 – OPTION ONE**HACKNEY CARRIAGE FARES****Local Government (Miscellaneous Provisions) Act 1976 Section 65****FARES FOR DISTANCE****MILEAGE**

- (1) For hirings begun between 9 am and 5 pm on any day other than Sundays and those shown at (2) and (3): -

If the distance does not exceed 880 yards or 804.5 metres	190p
If the distance exceeds 880 yards or 804.5 metres:-	
For the first 880 yards or 804.5 metres	190p
For each subsequent 290 yards or 265.06 metres or uncompleted part thereof	15p

- (2) For all hirings begun between 6.30 am and 11.30 pm on Sundays, between 6.30 am and 9 am and 5 pm and 11.30 pm on any day other than those shown at (3): -

If the distance does not exceed 384 yards or 351 metres	190p
If the distance exceeds 384 yards or 351 metres:-	
For the first 384 yards or 351 metres	190p
For each subsequent 180 yards or 164.5 metres or uncompleted part thereof	15p

- [3] For all hirings begun between 11.30 pm and 6.30 am and all hirings on any Bank Holiday or Public Holiday and all hirings on 24 and 31 December other than those shown at (4): -

If the distance does not exceed 320 yards or 292.5 metres	300p
If the distance exceeds 320 yards or 292.5 metres:-	
For the first 320 yards or 292.5 metres	300p
For each subsequent 180 yards or 164.5 metres or uncompleted part thereof	15p

- [4] For all hirings begun between 7pm on 24th December and 0630 am on 27th December and between 7 pm on 31st December and 0630 am on 2nd January: -

If the distance does not exceed 320 yards or 292.5 metres	500p
If the distance exceeds 320 yards or 292.5 metres:-	
For the first 320 yards or 292.5 metres	500p
For each subsequent 180 yards or 164.5 metres or uncompleted part thereof	15p

WAITING TIME

- (a) For all hirings shown at (1) and (2) under MILEAGE
For each period of one minute or uncompleted part thereof 10p
- (b) For all hirings shown at (3) and [4] under MILEAGE
For each period of up to 40 seconds or uncompleted part thereof 10p

FARES FOR TIME - Provided that when a Hackney Carriage is hired by time, such fares shall be agreed with the hirer at the commencement of the hire.

SOILING CHARGE - £20.00

PROPOSED TARIFFS 2006/7 – OPTION TWO**HACKNEY CARRIAGE FARES**

Local Government (Miscellaneous Provisions) Act 1976 Section 65

FARES FOR DISTANCE**MILEAGE**

- (1) For hirings begun between 9 am and 5 pm on any day other than Sundays and those shown at (2) and (3): -

If the distance does not exceed 880 yards or 804.5 metres	190p
If the distance exceeds 880 yards or 804.5 metres:-	
For the first 880 yards or 804.5 metres	190p
For each subsequent 250 yards or 228.6 metres or uncompleted part thereof	10p

- (2) For all hirings begun between 5.00 am and midnight on Sundays, between 5.00 am and 9 am and 5 pm and midnight on any day other than those shown at (3): -

If the distance does not exceed 384 yards or 351 metres	190p
If the distance exceeds 384 yards or 351 metres:-	
For the first 384 yards or 351 metres	190p
For each subsequent 170 yards or 155.5 metres or uncompleted part thereof	10p

- [3] For all hirings begun between midnight and 5.00 am and all hirings on any Bank Holiday or Public Holiday and all hirings on 24 and 31 December other than those shown at (4): -

If the distance does not exceed 320 yards or 292.5 metres	290p
If the distance exceeds 320 yards or 292.5 metres:-	
For the first 320 yards or 292.5 metres	290p
For each subsequent 130 yards or 118.9 metres or uncompleted part thereof	10p

- [4] For all hirings begun between 7pm on 24th December and 0500 am on 27th December and between 7 pm on 31st December and 0500 am on 2nd January: -

If the distance does not exceed 320 yards or 292.5 metres	490p
If the distance exceeds 320 yards or 292.5 metres:-	
For the first 320 yards or 292.5 metres	490p
For each subsequent 130 yards or 118.9 metres or uncompleted part thereof	10p

WAITING TIME

- (a) For all hirings shown at (1) and (2) under MILEAGE
For each period of one minute or uncompleted part thereof 10p
- (b) For all hirings shown at (3) and [4] under MILEAGE
For each period of up to 40 seconds or uncompleted part thereof 10p

FARES FOR TIME - Provided that when a Hackney Carriage is hired by time, such fares shall be agreed with the hirer at the commencement of the hire.

SOILING CHARGE - £20.00

Comparison of costs for 2 mile hackney carriage journey

Time of Journey	2005/6 (£)	Proposal One (£)	Proposed Two (£)
08:00	3.70	4.60	3.90
15:00	3.00	3.40	3.10
midnight	4.30	5.70	5.30

Report of: Head of Public Protection and Housing

Subject: GAMBLING POLICY (STATEMENT OF LICENSING PRINCIPLES) – GAMBLING ACT 2005

1. PURPOSE OF REPORT

- 1.1 To inform Members of the outcome of the consultation exercise carried out in respect of the proposed Gambling Policy as required by the Gambling Act 2005.

2. BACKGROUND

- 2.1 On 28th June 2006 Members considered a draft Gambling Act Policy that details the principles the Council proposes to apply in exercising its licensing functions under the Gambling Act 2005.
- 2.2 Following this meeting the draft policy was published for consultation at a local and national level. Details of consultees are detailed in Appendix I.
- 2.3 The consultation period ended on 1st September 2006 and a total of four responses have been received.
- 2.4 Three responses were from national organisations with an interest in gambling activities: - The Association of British Bookmakers, The British Beer and Pub Association and GAMCARE, a national association promoting responsible attitudes towards gambling. These responses are attached as Appendices II, III and IV.
- 2.5 The final response to the consultation exercise is attached as Appendix V and is from local solicitors Tilly, Bailey and Irvine. The response questions the proposal to adopt a 'No Casino Resolution' whereby the Council will refuse to grant casino premises licences.
- 2.6 The draft policy was also considered by the Neighbourhood Services Scrutiny Forum on 9th August 2006. Unfortunately at the time of writing this report the minutes for this Forum meeting had not been approved. However it is understood that in relation to the adoption of the 'No Casino Resolution' members of the Forum expressed concern that each application should be considered on its own merits. Some concern was also expressed that the Council's options for the future should be left open.

- 2.7 The draft policy is attached as Appendix VI and includes a small number of administrative alterations made in the light of further guidance issued by the Local Authority Co-ordinating Body for Regulatory Services (LACORS).
- 2.8 The final policy must be approved by both Cabinet and full Council and published no later than 3rd January 2007.
- 2.9 The timetable for implementation of the Gambling Act, and adoption of the Statement of Principles, is attached as Appendix VII.

3. ISSUES

- 3.1 The three responses received from national organisations make a number of suggestions but it is considered that these seek to address specific matters that are already covered in general terms within the draft policy.
- 3.2 Members may wish to re-consider the 'No Casino Resolution' in the light of the response from Tilly, Bailey and Irvine and the comments made at the Neighbourhood Services Scrutiny Forum.

4. RECOMMENDATIONS

- 4.1 That Members consider the consultation responses received and agree the draft Gambling Policy as contained in Appendix VI.

Gambling Act 2005 - Gambling Policy

Consultees

Local licensed premises
Local premises engaged in gambling activities
Local Parish Councils
Local Licensing Solicitors
GAMCARE
Gamblers Anonymous
National Institute for Health and Clinical Excellence
Mencap
Sompriti
The Salvation Army
Hartlepool Mencap
Hartlepool CAB
Hartlepool Magistrates Court
Hartlepool Primary Care Trust
Association of British Bookmakers
The Bingo Association
Remote Gambling Association
Responsibility in Gambling Trust
BACTA
British Pub and Beer Association
NSPCC
National Association of Local Councils
Working Men's Club and Institute Union
Federation of Licensed Victuallers Association
Hartlepool Licensees Association
Internet Gambling, Gaming and Betting Association
Camerons Brewery
Rubicon Pastimes
Mason Organisation Limited
Arthur Turner Limited
Ladbrokes Betting & Gaming Limited
All Responsible Authorities detailed under the Gambling Act

Appendix II



GOSSCHALKS
SOLICITORS



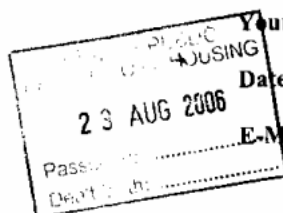
Licensing Team
Hartlepool Borough Council
Civic Centre
HARTLEPOOL
TS24 8AY

Our ref: RJT/JMH/103722-1-0

Your ref:

Date: 22 August 2006

E-Mail: rjt@gosschalks.co.uk



BY E-MAIL AND POST

Dear Sirs

re: Draft Gambling Policy

On behalf of the Association of British Bookmakers we are pleased to have an opportunity to respond to your draft Gambling Act licensing policy.

The Association of British Bookmakers

Off-course bookmakers were first recognised in legislation by the Betting and Gaming Act 1960. The industry now consists of approximately 8,500 betting offices in Great Britain, which makes them by far the most numerous type of dedicated gambling facility; the average authority having about 20 betting offices within its area. The Association of British Bookmakers is the representative association for businesses holding nearly 7,000 betting office licences, and will be responding to consultations on all the licensing policies in Great Britain.

Before the advent of the Gambling Act 2005, there was no national regulator for bookmakers. However, the industry has been extremely successful at policing itself. Bookmakers have given rise to no or few regulatory concerns. For example, there are few if any prosecutions of bookmakers or revocations of betting office licences, no suggestion of underage betting in betting offices and no suggestion that betting offices cause nuisance to surrounding users. Crime and disorder is extremely rare in betting offices, and there is no evidence that bookmakers have operated their business in such a way as to exploit the vulnerable. Of course, alcohol is not sold in betting offices. Betting offices have been good neighbours to both residential and commercial occupiers. A primary objective of the ABB has been to help create betting environments in which the public enjoys fair and responsible gambling. It has to a large extent been assisted by the demographics of the industry, in which there are some very large participants, eg Ladbrokes, William Hill, Coral, the Tote and Dones (Betfred). These operators set a high standard, in terms of offices and customer service, which new entrants have naturally striven to match.

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Partners: Simon Lamb, Bruce Raper, Bruce Wike, Ian Lanch, Richard Llewellyn, Anthony Clark, Neil Johnson, Clare Johnson, Richard Gooch, Christopher Burton, Roy Taylor, Robert Thomson
Jocelyn Bergman, Nigel Buckland, Zoe Cammish, Nicholas Goss, Mark Teal, Stephen Walker, Andrew Mallory, Ian Brown, Robert Haste, Richard Taylor, Andrew Johnson, Mark Day, Jonathan Peel,
James Hutton, Judith Gieves, Matthew Horsfield

Associates: Andrew Farrer, Ashley Prescott, Andrew March, Craig Beedham, Ted Flanagan, Paul King, Steve Dillon, Kate Gieves, Chris Groves, Paul Plaxton

Partnership Secretary: Martin Haldenby

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The ABB welcomes the new legislation, and the opportunity to work with licensing authorities, so as to consolidate and continue the enormous advances made by the industry, in a way which benefits customers while avoiding regulatory concerns. The ABB hopes and expects that a light touch approach will be taken to the imposition of conditions and regulatory burdens on the industry, save insofar as this is necessary and proportionate in individual cases.

We would take the opportunity to comment on some specific aspects of your policy. You will see that in certain areas we have been sufficiently bold as to suggest wording for the policy. The reason for this is that the ABB's members are keen, so far as possible, to achieve consistency between licensing policies, for the benefit of all involved in the system.

Door Supervision

Because of the success of the betting industry in managing its offices, and because of the general nature of betting clientele, door supervisors are not employed by betting offices. Premises are supervised from the counter. Door supervision has not been operationally required, and neither the licensing justices nor the police have suggested that door supervision is necessary.

We would refer to the Gambling Commission's Guidance at paragraph 9.26. This requires that conditions should only be imposed when they:

- are relevant to the need to make the proposed building suitable as a gambling facility;
- are directly related to the premises and the type of licence applied for;
- are fairly and reasonably related to the scale and type of premises; and
- are reasonable in all other respects.

We would specifically ask that the policy reflect this by stating:

"...there is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate."

Betting Machines

Reference to betting machines is made in section 181 of the Gambling Act 2005. These are machines on the shop floor of the betting office through which a customer can place a bet without having to visit the counter. They should not be confused with fixed odds betting terminals (which will be Category B2 gaming machines under the legislation) or amusement with prize machines ('fruit machines').¹ While up to four FOBTs/AWPs will be found in the great majority of betting offices in the country, the number of betting machines is vanishingly small. And there is no evidence at all that, where they do exist, they are causing any harm. They are machines on which one may place a bet in an adult only environment, not machines upon which rapid gambling may

¹ While FOBTs/AWPs clearly accept bets for the purpose of playing directly on these machines, for instance inserting £20 note into a FOBT to play roulette, the customer cannot use these machines to bet on other events available in the betting shop eg horse/dog races and football matches.

occur. For these reasons, while the section 181 discretion is acknowledged, it is respectfully suggested that the policy state that:

“While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.”

Re-site Applications

Over the last two decades in particular, betting offices have been subject to an evolutionary process of enlargement and improvement to accommodate the more extensive facilities and technology now demanded by their customers, for example more and larger screens, full toilet facilities for male, female and disabled customers, level entrances, comfortable seating, no smoking areas, machines, information terminals and so on. Frequently, this has involved re-siting within the same locality. Under the former regime, such re-sites were positively welcomed by licensing authorities concerned to improve the general level of facilities in their area, and were rarely objected to by competitors. This was recognised in the leading case of *R (Hestview) V Snaresbrook Crown Court* in which Hooper J. stated (para 65):

Likewise, if an application is, in effect, an application for the transfer of a licence from one premises to another close by, with some increase in the size of the customer area, then an authority might well conclude that the grant would not be inexpedient...”

It is hoped that licensing authorities will wish to endorse and support this natural progress and improvement in the industry. It is requested that the policy positively encourage, or at least state that the authority will give sympathetic consideration to, re-sites within the same locality and extensions in order to enhance the quality of the facility provided for the benefit of the betting public.

Enforcement

It is requested that the policy includes wording along the following lines:

“The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.”

Location

We note that at page 9 of your draft policy, there is a deviation from the LACORS Statement of Principles template. Your policy indicates that “This licensing authority shall expect any licence applicant to give due consideration to any areas sensitive in relation to children.” This statement appears to elevate the third licensing objective to a position more important than the other two. We have particular concerns with this statement in relation to betting offices as there are betting offices immediately adjacent to schools and nurseries and other areas which may be deemed to be “sensitive in relation to children”. There is no evidence whatsoever to suggest that the fact that a



betting office is placed in close proximity to a school/nursery has any potential prejudice or impact on the licensing objective. We respectfully submit therefore that this sentence should be omitted or redrafted such that it refers to family entertainment centres only..

Floor Supervisors

At page 11 of the draft policy, there is deviation from the LACORS template as the draft policy indicates that "This licensing authority may detail specific requirement for door supervisors working at casinos." The template indicates that the licensing authority may detail specific requirements for door supervisors working at casinos or bingo. We wonder whether or not this is a deliberate omission or simply typographical.

Adult Gaming Centres

On page 12 of the draft policy there is a list of matters that the licensing authority would expect applicants to offer measures to meet the licensing objectives. The list, as drafted, amounts to four matters. In the LACORS template, this list extends to nine matters.

In addition, there is no statement that the list is not exhaustive. We respectfully submit that this should be included especially where the whole list is provided under the heading licensed family entertainment centres later on the same page.

Casinos

The LACORS template suggests that where a resolution has been passed not to issue casino premises licences, then the basis for that decision is included within the policy. No such basis has been included within your draft policy.

Typographical Errors

At page 14 under the heading "Gaming Machines" the penultimate paragraph needs to be amended to indicate that "...these machines are located in errors from which children are excluded."

At page 17, the paragraph at the top of the page needs to be amended to read "Licensing authorities might wish to consider applicants to demonstrate."

Finally, we would respectfully ask that your authority notify the ABB of any further consultations to be conducted by you, and that you favour the ABB with a hard and electronic copy of your final policy. This will enable the ABB to establish a bank of policies for the benefit of its members, alert its members to any developments and enable greater liaison and consistency to occur. The relevant contact details are:

Hollie Blakeman ABB Regency House 1-4 Warwick Street LONDON W1B 5LT angelaruggeri@abb.uk.com

Please do not hesitate to contact us should you wish to discuss any of the contents of this letter.

Yours sincerely



RICHARD J TAYLOR

Appendix III



Market Towers
1 Nine Elms Lane
London
SW8 5NQ
Telephone: 020 7627 9191
Facsimile: 020 7627 9143
enquiries@beerandpub.com
www.beerandpub.com

From: Rita King, Deputy Director (Pub & Leisure)
(Direct Line 020 7627 9142; e-mail rking@beerandpub.com)

1 August 2006

Mr Harrison
Public Protection & Housing
Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY



Dear Mr Harrison

Hartlepool Council's Statement of Licensing Principles

The British Beer & Pub Association (BBPA) represents brewing companies and their pub interests, and pub owning companies, accounting for 98% of beer production and around two thirds of the 60,000 pubs in the UK. Many of our members own and run pubs in Hartlepool. The Association promotes the responsible sale of alcohol and management of licensed premises. It has a range of good practice information and guidance for member companies. Further information is available on our website at www.beerandpub.com.

Overall, we welcome the approach taken by the Council in basing its draft Statement of Principles on the LACORS template, and are pleased to comment as follows. This response is also supported by BII, the professional body for the licensed retail sector, the Association of Licensed Multiple Retailers (ALMR), which represents the interests of smaller independent companies within licensed retailing and the Federation of Licensed Victuallers Association (FLVA) which represents self-employed licensees in England.

The protection of children and vulnerable persons

We would like to take this opportunity to emphasise that pubs have had amusement with prize machines on their premises for many years. The BBPA has been pressing for legislation prohibiting under 18s from playing all cash machines (ACMs) since before the introduction of our Code of Practice on Minimum Age of Players, and we therefore very much welcome the restriction now contained in the new Gambling Act.

The Association first introduced its Code of Practice in 1998, and has kept it under regular review since then. As a result of the Code, which is supported by other trade bodies including the ALMR, BII, FLVA and BACTA, ACMS coming on to the market include the "No Under 18s to Play" prohibition notice in the front of the machine. The inclusion of this notice has been achieved at the instigation of the Association in co-operation with machine suppliers.

BBPA member company training schemes also reinforce the management of the machines to ensure the minimum age requirement is complied with, for example by requesting recognised ID such as a PASS accredited proof of age card, driving licence or passport where there is doubt that the player is 18 years of age or over.

Grant of additional permits

While there is no actual requirement under the Gambling Act 2005 for machines to be sited in the bar, we believe that supervision of machines is very important and this is again reinforced by our Code of Practice and staff training. Under the new regime, when operators apply for additional machine permits and they are complying with the Gambling Commission Code of Practice (which will of course replace the BBPA Code), there is no reason why these should not be granted. It would be helpful if the Statement of Principles could reflect this.

Application procedures for more than two machines

The Association would welcome the inclusion in the policy of an outline of the application procedures for permits for more than two machines. We understand that some councils are taking the view that they will grant up to four machine permits without the need for a hearing. We support such an approach in the interests of reduced administration and bureaucracy for both Councils and applicants and would encourage you to consider this possibility.

Both the BBPA and LACORS have been concerned about the lack of a generic application form for permits. We understand that LACORS are now working on a standard application form for permits which could be used by Councils and applicants. It is obviously in the interests of businesses and local authorities to have such a form. We fully support this approach and hope you will adopt the LACORS form once it is produced.

Transitional arrangements

As the implementation date of 1st September 2007 approaches, it is likely that the Council will receive increasing numbers of enquiries from alcohol licensed premises wanting to find out what will happen to their existing machine permissions. It would therefore be helpful if some reference to transitional arrangements could be included either in the policy or in the form of separate guidance. We appreciate that these arrangements will not be absolutely clear until the regulations have been finalised, but it is our understanding (based on the DCMS Transitional Arrangements consultation) that pubs will be automatically entitled to provide the same number of machines as they are currently permitted to provide. This provision is not subject to approval by the licensing authority and their existing permissions should be automatically transferred to the new legislative framework.



After this, if it becomes evident that there is a problem with the premises, the licensing authority has the power to remove the permission or to reduce the number of machines permitted, as stated in the draft policy.

We trust that these comments are helpful and that they will be taken into account in the final version of the policy. The BBPA is committed to ensuring a smooth transition to the operation of the new gambling regime and looks forward to working with you to achieve that objective.

Yours sincerely,



Rita King
Deputy Director (Pub & Leisure)



Appendix IV

President
Lord McIntosh

Vice President
Bill Galston OBE;
Sir Neill Macready BT OBE

Chairman
Anthony Jennings

Chief Executive
Geoffrey Godbold OBE TD DL

Trustees
David Banks
Lady Hilary Burnham
Professor Peter Collins
Sir Geoffrey De Deney
Lord Richard Faulkner
Susanna Fitzgerald QC
Lady Carolyn Trethowan
Ian McRobbie - Treasurer



**National Association for Gambling Care
Educational Resources and Training**

2/3 Baden Place
Crosby Row, London SE1 1YW
Tel: 020 7378 5200 Fax: 020 7378 5233
e-mail: info@gamcare.org.uk
www.gamcare.org.uk

Helpline: 0845 6000 133

27th July 2006



Dear Sir or Madam

Thank you for your Draft on the Gambling Principles from your Authority. As you will understand we received one from all the authorities in the process of putting together their Principles and future Policy.

I found various differences in all, however not too many discrepancies for concern. I have however put together a separate list of inclusions, which from GamCare's viewpoint we would like included either in the policy or as part of the Licensing conditions.

I have had to read quite a few drafts, as already explained so please forgive me if I repeat anything already included.

All local authorities must now recognise that they should have a "Duty of Care" and become "Corporate Parents" assisting the residents of their authority with gambling addictions. Gambling is a much hidden form of addiction with little recognition.

Many authorities have now set up programs for Drug and Alcohol addictions, GamCare feel there is a great benefit of a program of problem gambling and possibly Debt Management counselling, to run in conjunction.

GamCare, I must emphasise, is a Gambling Neutral charity; we also recognise gaming is a very entertaining form of relaxation.

I would be grateful for the opportunity visit to your authority, and meet with all interested parties explaining in more detail how we may be of assistance to you, and the way we look for support and raise awareness about problem gambling.

Yours sincerely

Alan Faulkner
GamCare Partners Manager

A Charitable Company
Registered in England No. 3297914
Charity No. 1060005

- 1 The sale and distribution of Controlled drugs and the laundering of the proceeds of drugs to support gambling.
- 2 Prostitution to feed gambling needs
- 3 Any unlawful gaming gambling and betting
- 4 All leaflets giving assistance to problem gambling clearly displayed in prominent areas such as toilets for example where they will be more discreet. This will give certain anonymity.
- 5 Self exclusion forms available.
- 6 Operator must have a regard to best practice issued by organisations that represent the interests of vulnerable people.
- 7 On machines such as FOBT, the odds clearly displayed.
- 8 All A.T.M or cash terminals to be separate from gaming machines, so that clients will have to leave the machine for more funds if so required. They should also display stickers with GamCare Helpline information positioned prominently on machine.
- 9 Social responsibility must be adhered to and mentioned at all times when reasonable.
- 10 It has been mentioned in the Principles however it is so important clear visible signs of age restriction are clearly displayed in gaming or betting establishments, also entrances to gambling and betting areas are well supervised and age identification verified.
- 11 Posters displayed suggesting "stay in control of your gambling" with details of GamCare telephone number and website.

12. Compulsory non-gambling areas or "Chill out Rooms" in all Casinos [this is only relevant if you are having a casino in your authority] .

Please ensure that fruit machines are not situated in Mini Cab offices or Takeaways or other unlicensed premises were children may have access to.

THANK YOU FOR YOU ASSISTANCE.

Appendix V



tilly bailey irvine

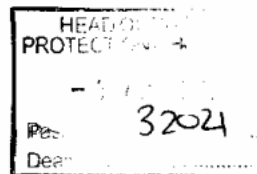
Our Ref. JRE/AMS

Date: 1st August 2006

Your Ref.

Please ask for Mr. J.R. Ellwood

Mr Ian Harrison
Principal Licensing Officer
Hartlepool Borough Council
Civic Centre
Victoria Road
HARTLEPOOL
TS24 8AY



Dear Mr Harrison

Re: Gambling Act 2005

I have read with interest Hartlepool Borough Council's gambling policy in draft form. The majority of it is in my opinion in line with the expected regulations and is aimed at providing a framework for balancing of the respective interests. Since it is only a framework it is difficult for me to comment as a practitioner in this field.

The one part of the draft which appears to be surprising concerns casinos. This appears at numbered paragraph 4 at page 12. It seems with respect an unnecessary decision. Casinos do not appear to cause any anti-social behaviour or directly impact (where suitably situated) upon the interests of residents. Whilst in the past there were limits on access to gaming generally now those limits seem to have been completely removed and many people now for example engage in lottery gambling. If a suitable applicant with suitable premises and with suitable proposals, all of which were aimed to benefit the people of Hartlepool were to apply, the Council should allow themselves to at least make a reasoned decision.

Tilly Bailey & Irvine LLP – Solicitors & Notaries, York Chambers, York Road, Hartlepool, TS26 9DP
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Members: M.J. WHITE, J.B. HALL, A.C. WINFIELD, M.A. LEVINSON, J.R. ELLWOOD, T.J. WILSDON, M.L. BROWN, J. WALTERS, M.H. ELLIS,
Mrs. C.J. TILLY, R.N. TAYLOR, Miss H. DEXTER, S.F. HORSLEY, Miss V.J.S. MORETON, Miss K. MALONEY, Miss A. TATE

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Community
Legal Service

For example if someone were to offer substantial regeneration funds for Seaton Carew where would be the harm in allowing a casino to operate in that environment?

Yours sincerely

MR J R ELLWOOD
TILLY BAILEY & IRVINE



HARTLEPOOL BOROUGH COUNCIL

GAMBLING ACT 2005

POLICY

STATEMENT OF PRINCIPLES

JANUARY 2007

Gambling Act 2005

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PART A

1. INTRODUCTION

The Gambling Act 2005 (“The 2005 Act”) has provided for a new regime for regulating gambling and betting which will be introduced throughout the United Kingdom from 1 September 2007.

Hartlepool Borough Council (“The Council”) along with other Local Licensing Authorities, is required, under the 2005 Act, to licence premises where gambling will take place. The Council is also required to licence certain other activities (such as registering small society lotteries). This document sets out how we intend to approach this task.

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles that they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

Hartlepool Borough Council consulted widely in relation to this statement before finalising its content. Full details of the consultation are detailed at **Appendix A** to this document.

The policy was approved at a meeting of the Full Council on **X date** and was published via our website on **x date**. Copies were placed in the public libraries of the area as well as being available in the Civic Centre.

Should you have any comments about this policy statement please send them via e-mail or letter to the following address:

Licensing Team
Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523354

E mail: licensing@hartlepool.gov.uk:

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2. THE LICENSING OBJECTIVES

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- **Ensuring that gambling is conducted in a fair and open way**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of licensing policy

3. BACKGROUND

Hartlepool is situated on the North East coast of England. The Borough consists of the town of Hartlepool and a number of small outlying villages. The total area of the Borough is 9,390 hectares.

Hartlepool is a unitary authority, providing a full range of services. It adjoins Easington District Council to the north, Sedgefield District Council to the west and Stockton on Tees Borough Council to the south. The residential population is 90,161 of which ethnic minorities comprise 1.2% (2001 census).

4. DECLARATION

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

5. RESPONSIBLE AUTHORITIES

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.hartlepool.gov.uk/licensing

6. INTERESTED PARTIES

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.14 and 8.15. It will also consider the Gambling Commission's Guidance that "business interests" should be

given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.17). This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required so long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

A councillor may represent the views of individuals provided he/she is not a Member of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department.

7. EXCHANGE OF INFORMATION

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

8. ENFORCEMENT

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme. Whilst the Gambling Commission's Guidance suggests that the criteria the authority will utilise in this respect are included in this statement, this has not been possible. At the time of writing the Gambling Commission has not published its risk criteria, nor are regulations such as mandatory / default conditions published, nor Codes of Practice.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing department. Our risk methodology will also be available upon request.

9. LICENSING AUTHORITY FUNCTIONS

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

PART B PREMISES LICENCES

1. GENERAL PRINCIPLES

Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission ;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of gambling policy.

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a licensing authority.

Definition of “premises” - Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

This licensing authority takes particular note of the Gambling Commission's Guidance for local authorities which states that:

- licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
- Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example,

whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

Location - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. This licensing authority shall expect any licence applicant to give due consideration to any areas sensitive in relation to children. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Duplication with other regulatory regimes - This licensing authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located

there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

Conditions - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions that the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence that makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

Door Supervisors - The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. This licensing authority may detail specific requirements for door supervisors working at casinos or bingo premises. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances / machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

2. ADULT GAMING CENTRES

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas

3. (LICENSED) FAMILY ENTERTAINMENT CENTRES

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. CASINOS

Hartlepool Borough Council has resolved **not** to issue casino premises licences. This resolution shall have effect from the 31st January 2007 and shall remain effective for three years or until it is revoked by a further resolution.

5. BINGO PREMISES

This licensing authority notes that the Gambling Commission's Guidance states:

18.4 - It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

This licensing authority is also aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this licensing authority once it is made available.

6. BETTING PREMISES

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. TRACKS

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse

racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- The location of gaming machines
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming machines. -Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

Condition on rules being displayed - The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

Applications and plans - This licensing authority awaits regulations setting-out any specific requirements for applications for premises licences but is in accordance with the Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

This licensing authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

8. TRAVELLING FAIRS

It will fall to this licensing authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. PROVISIONAL STATEMENTS

This licensing authority notes the Guidance for the Gambling Commission which states that “It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully”.

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which is in the authority's opinion reflect a change in the operator's circumstances.

This authority has noted the Gambling Commission's Guidance that “A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.”

10. REVIEWS

Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate. Licensing Authority officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution before a full review is conducted. Unlike the Licensing Act 2003, the Licensing Authority may review Premises Licences in its own right on the basis of any reason it thinks is appropriate.

NB The Gambling Commission will be a responsible authority in premises licence reviews.

PART C

Permits / Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles: This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant

has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- (a) that they understand the limits to stakes and prizes that are set out in Regulations; and
- (b) that the gaming offered is within the law.

In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position

under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary Use Notices

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

6. Occasional Use Notices

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

PART D**SUMMARY OF LICENSING AUTHORITY DELEGATIONS PERMITTED UNDER THE GAMBLING ACT**

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X

Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

CONTACT DETAILS/ADVICE & GUIDANCE

Further details regarding the licensing application process, including application forms can be obtained from:

The Licensing Team
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel No: 01429 523354
Fax No: 01429 523308
Email: licensing@hartlepool.gov.uk
Web Site: www.hartlepool.gov.uk/licensing

Appendix I

CONSULTATION

The following organisations were consulted prior to the publication of this Gambling Policy. Consultation was carried out between 3rd July 2006 and 31st August 2006.

Local licensed premises
Local premises engaged in gambling activities
Local Parish Councils
Local Licensing Solicitors
GAMCARE
Gamblers Anonymous
National Institute for Health and Clinical Excellence
Mencap
Sompriti
The Salvation Army
Hartlepool Mencap
Hartlepool CAB
Hartlepool Magistrates Court
Hartlepool Primary Care Trust
Association of British Bookmakers
The Bingo Association
Remote Gambling Association
Responsibility in Gambling Trust
BACTA
British Pub and Beer Association
NSPCC
National Association of Local Councils
Working Men's Club and Institute Union
Federation of Licensed Victuallers Association
Hartlepool Licensees Association
Internet Gambling, Gaming and Betting Association
Camerons Brewery
Rubicon Pastimes
Mason Organisation Limited
Arthur Turner Limited
Ladbrokes Betting & Gaming Limited
All Responsible Authorities detailed under the Gambling Act

GAMBLING LICENSING

PROPOSED TIMETABLE FOR ADOPTION

May 06	Government Guidance published
June 06	LACORS model Gambling Policy (Statement of Principles) published
28 June 06	Draft gambling Policy presented to Licensing Committee
July/August 06	Full consultation, including Neighbourhood Services Scrutiny
Sept 06	Report to Licensing Committee
Oct 06	Report to Cabinet
Oct 06	Report to Council
Jan 31 2007	Gambling Policy (Statement of Principles) formally published
1 st Feb 2007	First day for applications to be made
1 st Sep 2007	Act takes effect

LICENSING COMMITTEE

20th September 2006



Report of: Assistant Chief Executive

Subject: QUARTERLY REPORT ON LICENSING ACT SUB COMMITTEES AND HACKNEY CARRIAGE AND PRIVATE HIRE SUB COMMITTEES ACTIVITY

1. PURPOSE OF REPORT

To update Members on the work undertaken by the five Licensing Act Sub Committees and the three Hackney Carriage and Private Hire Licensing Sub Committees.

2. BACKGROUND

The Licensing Committee at its meeting on 15 March 2006 (Minute No. 61 refers) agreed to receive quarterly reports on the work of the sub committees when establishing the new Hackney Carriage and Private Hire Licensing Sub-Committees.

Attached as appendices to the report are tables setting out briefly the work undertaken by the sub committees since last reported to the Committee on 28 June 2006. From the tables Members will see that the Licensing Act Sub Committees have considered four matters, while the Hackney Carriage and Private Hire Licensing Sub-Committees have considered six driver applications in the same period.

As this report is for Members information only, there are no specific risk implications or financial or legal considerations to report.

3. RECOMMENDATIONS

That Members note the report and the information set out in the two appendices.

6. REASONS FOR RECOMMENDATIONS

The report is for Members information only in compliance with the decision of the committee on 15 March 2006

7. BACKGROUND PAPERS

Minutes of Licensing Committee held on 15 March 2006

Published minutes of the Licensing Act Sub Committees and the Hackney Carriage and Private Hire Licensing Sub-Committees held since 20 June 2006.

8. CONTACT OFFICER

David Cosgrove
Principal Democratic Services Officer
Corporate Strategy and Support Division
01429 52 3019
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Appendix 1

Licensing Act Sub Committees

Premises	Date	Application Type	Application	Members	Objectors Present	Decision	Latest Operational Hour Granted
Kullar News, 122 West View Road	20 June 2006	Review	Removal of Alcohol licence following sales of alcohol to children	Griffin, R. Cook and Dr Morris	Two interested parties	Adjourned to 14 July 2005	n/a
Halliday Stores, 89-91 Chatham Road	10 July 2006	Review	Removal of Alcohol licence following sales of alcohol to children	Tumilty, R. Cook and Hall	Two interested parties	Licence revoked	n/a
Kullar News, 122 West View Road	14 July 2006	Review	Removal of Alcohol licence following sales of alcohol to children	Griffin, R. Cook and Dr Morris	Two interested parties	Licence revoked	n/a
Shades, Church Street	8 August	Review	Removal of licence following incidents of serious public disorder	R. Cook, Rogan and Tumilty	Two interested parties	Adjourned for submission of further evidence	n/a

Appendix 2

Hackney Carriage and Private Hire Licensing Sub Committees

Date	Members	Application Type	Applicant	Applicant Present	Decision
11 th July 2006	Dr R W Cook, Lilley and Rayner	Hackney Carriage	MS	Yes	Approved with reminder of duty to public.
		Hackney Carriage	CRP	Yes	Approved with reminder of duty to public.
		Private Hire	PGS	Yes	Approved with reminder of duty to public.
		Private Hire	GRF	Yes	Approved with reminder of duty to public.
		Private Hire	ANL	No	Refused
		Private Hire	MKT	No	Approved with reminder of duty to public.